

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
THURSDAY, AUGUST 19, 2004, 1:00 P.M.**

CALL TO ORDER

Walter Baade, Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present: Walter Baade, Chairperson Pat Haukohl Betty Willert (arrived at 1:05 p.m.)
 Ellen Gennrich Walter Kolb Mareth Kipp

Commission

Members Absent: None

Staff

Members Present: Sandy Scherer, Senior Planner
 Mary Finet, Senior Land Use Specialist
 Kathy Brady, Support Staff Supervisor

Guests Present: Gregory Schultz Sarah Pietenpol Laird Geibel
 Larry Spellman Mark Hanson Marilyn Williams

PUBLIC COMMENT

Chairperson Baade asked if anyone from the audience wished to address the Commission? There being no one, he moved to the next item on the agenda.

• **CU-783T (Dale and Sarah Pietenpol) Town of Genesee, Section 24**

Ms. Scherer presented the "Staff Report and Recommendation" dated August 19, 2004, and made a part of these Minutes. She pointed out the location of the property on the aerial photograph and stated the petitioner is requesting to terminate the woolen mill Conditional Use previously allowed to operate on the site.

Ms. Scherer indicated the property is located on the north side of S.T.H. 59, east of Townline Road in the Town of Genesee and the petitioner's have recently applied for a Conditional Use for a commercial kennel on the property. The Planning and Zoning Division staff advised the petitioner's that since the woolen mill was no longer in operation, the Conditional Use should be terminated in order to allow the property to be used for the requested commercial kennel operation.

After discussion, Mrs. Haukohl moved, seconded by Mrs. Gennrich and carried unanimously, for approval, in accordance with the "Staff Report and Recommendation".

• **CU-1376 (Dale and Sarah Pietenpol/Genesee Pet Suites) Town of Genesee, Section 24**

Ms. Scherer presented the "Staff Report and Recommendation" dated August 19, 2004, and made a part of these Minutes. She pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Conditional Use Permit for a luxury commercial pet kennel, including pet suites, boarding-day, overnight and extended, fenced outdoor exercise area, grooming and the retail sale of pet products.

Mrs. Kipp asked if a commercial kennel is allowed in the Residential category? Ms. Scherer replied, "Yes". Mrs. Gennrich asked if the parcel needed to be a particular size for the proposed use? Ms. Scherer answered, "Yes", the parcel must be three acres in size and have a 300' minimum width. Mrs. Haukohl expressed concerns regarding noise issues for the neighbors. Ms. Scherer said that Condition No. 26 limits the amount of time each animal is allowed outdoors. Mrs. Kipp said she is familiar with the property and noted the neighbors are both sheriff deputy's who own their own dogs.

Mrs. Gennrich said the property is a large lot and is well screened for an operation of this type. She asked how the dog waste is disposed of? Mrs. Pietenpol, petitioner, indicated she has a private contract for a dumpster which takes the waste to a landfill. Ms. Scherer added, the staff is suggesting the dumpster be emptied a minimum of once per week.

Mrs. Willert arrived at the meeting at 1:05 p.m.

Mr. Kolb asked, "What is the total size of the property?" Ms. Scherer replied, 6.3 acres. Mrs. Kipp inquired about signage. Ms. Scherer said the petitioner is proposing a sign at the road. Mrs. Pietenpol further explained they intend to use the same framing as the previous sign for the woolen mill. She presented a drawing of the proposed design for the sign. Mr. Kolb expressed concerns regarding the number of dogs being kept on the site with respect to noise issues for the neighboring properties. Mrs. Pietenpol said that boarding would be available for a total of 25 dogs and/or cats. Mr. Kolb asked what would happen if the dogs constantly barked? Mrs. Willert indicated that Condition No. 27 states "In the event complaints are received regarding noise issues related to the kennel operation, the Conditional Use may be terminated by the Town and the County after a public hearing is held." Mrs. Pietenpol added that she plans on planting a greenery barrier on the outside of the fence to screen the noise. Mrs. Kipp asked about grooming and the water generated for that type of application? Ms. Scherer replied, there is a separate septic system for that building, however, at this time it is a future use and a revised Site Plan/Plan of Operation would need to be submitted.

After discussion, Mrs. Gennrich moved, seconded by Mrs. Haukohl and carried unanimously, for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

• **PO-04-GNT-22 (Genesee Pet Suites/Dale and Sarah Pietenpol) Town of Genesee, Section 24**

Ms. Scherer presented the "Staff Report and Recommendation" dated August 19, 2004, and made a part of these Minutes. She pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Plan of Operation Permit for a luxury commercial pet kennel, including pet suites, boarding-day, overnight and extended, fenced outdoor exercise area, grooming and the retail sale of pet products.

Ms. Scherer indicated the matter is related to the previous Conditional Use request CU-1376.

After a brief discussion, Mrs. Kipp moved, seconded by Mrs. Willert and carried unanimously, for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

• **SCU-21E (West Allis Training Kennel Club, Inc.) Town of Vernon, Section 10**

Ms. Scherer presented the "Staff Report and Recommendation" dated August 19, 2004, and made a part of these Minutes. She pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Conditional Use Permit for the construction of a 30' x 36' pole building for equipment storage and beer sales for special events.

Ms. Scherer indicated the property is located on National Avenue in the Town of Vernon. The addition of the pole building would be used to store maintenance equipment. At the public hearing, the issue of beer sales at special events was mentioned. Currently, the club has obtained temporary licenses over the years from the Town Clerk. Beer sales were not previously authorized in the Conditional Use Permit,

however, could be authorized for this Conditional Use Permit as a further amendment. Mrs. Kipp asked, "How is Condition No. 7 verified by the staff, requiring a Deed Restriction being recorded in the Waukesha County Register of Deeds Office stating the building would be used for storage only prior to the Conditional Use Permit being issued?" Ms. Scherer replied, that a copy of the Deed Restriction would be submitted to the staff after recordation.

After discussion, Mrs. Haukohl moved, seconded by Mr. Kolb and carried unanimously, for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

• **PO-04-VNT-04 (West Allis Training Kennel Club, Inc.) Town of Vernon, Section 10**

Ms. Scherer presented the "Staff Report and Recommendation" dated August 19, 2004, and made a part of these Minutes. She pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Plan of Operation for the construction of a 30' x 36' pole building for equipment storage and beer sales for special events.

Ms. Scherer indicated the matter is related to the previous Conditional Use request SCU-21E.

After a brief discussion, Mrs. Haukohl moved, seconded by Mrs. Gennrich and carried unanimously, for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

• **CU-234A (Montessori Methods Pre-School and Child Care, Inc.) Town of Genesee, Section 14**

Ms. Scherer presented the "Staff Report and Recommendation" dated August 19, 2004, and made a part of these Minutes. She pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Conditional Use Permit for a pre-school and childcare facility, an apartment, a shed, a small shelter and a fenced play area.

Ms. Scherer indicated the property is located on Sunset Drive in the Town of Genesee. Mrs. Gennrich asked if the Conditional Use for the church was being terminated? Ms. Scherer replied, "No". The previous Conditional Use was for a preschool and childcare facility (which will continue) and a church and parsonage. The request is to amend the Conditional Use to eliminate the former church and parsonage. An apartment would be added for the owner to live in on-site. Mrs. Willert asked if the apartment was going to be located inside the building? Ms. Scherer replied, "Yes, one of the classrooms would become an efficiency apartment." Ms. Williams, petitioner, introduced herself and said she would be available to answer any questions. Mrs. Haukohl asked, if the daycare went out of business, would someone else be able to live in the apartment? Ms. Scherer responded, it would depend if the matter was approved as non-transferable or transferable. Mrs. Haukohl asked, "What is the best solution?" Ms. Scherer answered, that Condition No. 9 states, "A Deed Restriction shall be filed in the Waukesha County Register of Deeds Office stating that the only person who may reside in the apartment is the current owner of the property (Marilyn Williams) and upon her vacation of the apartment for any reason, the apartment shall be converted back into a classroom. In addition, the Conditional Use approval and permit is non-transferable unless approved by the Town and County."

After discussion, Mrs. Willert moved, seconded by Mr. Kolb and carried unanimously, for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **PO-04-GNT-25 (Montessori Methods Pre-School and Child Care) Town of Genesee, Section 14**

Ms. Scherer presented the “Staff Report and Recommendation” dated August 19, 2004, and made a part of these Minutes. She pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Plan of Operation Permit for a pre-school and childcare facility, an apartment, a shed, small shelter and a fenced play area.

Ms. Scherer indicated the matter is related to the previous Conditional Use request CU-234A.

After a brief discussion, Mrs. Kipp moved, seconded by Mr. Kolb and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **PO-04-OCOT-24 (Stoneheads, Inc.) Town of Oconomowoc, Section 26**

Ms. Scherer presented the “Staff Report and Recommendation” dated August 19, 2004, and made a part of these Minutes. She pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Plan of Operation Permit for indoor retail sales of plaster lawn ornaments and outdoor display of cast stone statues, bird baths, fountains, planters, benches and lawn ornaments.

Ms. Scherer indicated the property is located on Brown Street in the Town of Oconomowoc. The business would be located at the south end of a small strip mall with a 40’ x 40’ outdoor display area. She identified the parking area on the aerial photograph and noted there was sufficient parking for the business.

After brief discussion, Mrs. Gennrich moved, seconded by Mrs. Haukohl and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **PO-04-OCOT-22 (Dr. T.J. Rinaldi, Chiropractor) Town of Oconomowoc, Section 26**

Ms. Scherer presented the “Staff Report and Recommendation” dated August 19, 2004, and made a part of these Minutes. She pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Plan of Operation Permit for a chiropractic office.

Mrs. Gennrich expressed concerns that the Plan of Operation Permit for the business does not include signage? Ms. Scherer replied, that no signage was submitted with the application. She further explained, the petitioner wanted to receive approval for the business before incurring the expense of designing the sign and would submit the details at a later date. Mrs. Kipp asked if the Planning and Zoning Division staff could approve the signage or would it have to come back before the Commission? Ms. Scherer answered, “The Plan of Operation would come back before the Commission when the details for the signage are submitted to the staff.”

After discussion, Mrs. Haukohl moved, seconded by Mrs. Gennrich and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

• **PO-04-OCOT-23 (Friends of Nature) Town of Oconomowoc, Section 26**

Ms. Scherer presented the “Staff Report and Recommendation” dated August 19, 2004, and made a part of these Minutes. She pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Plan of Operation Permit for the retail sales of animal feed, pet food and supplies with outside display of product and two dog wash areas.

Mrs. Haukohl expressed concerns with the amount of water a dog wash would use with a private waste system. Ms. Scherer indicated the dog wash is not being approved at this time because more information would need to be provided as it may be considered part of the commercial kennel definition and a Conditional Use or revised Plan of Operation would need to be approved by the Town Plan Commission and the Waukesha County Park and Planning Commission before proceeding.

After discussion, Mrs. Willert moved, seconded by Mr. Kolb and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

• **(Don Wilton) Town of Eagle, Section 10**

Ms. Scherer presented the “Staff Memorandum” dated August 19, 2004, and made a part of these Minutes. She pointed out the location of the property on the aerial photograph and stated the petitioner is requesting approval for the creation of lots not abutting a public road.

Ms. Scherer indicated the property is located on S.T.H 67 and Wilton Road in the Town of Eagle. The petitioner is proposing to divide 16 acres into four lots using the Certified Survey Map process. None of the lots meet the criteria for a frontage lot. Mr. Kolb said that between the two driveways there is sufficient room for a future road. Mrs. Gennrich said she does not approve of the proposed three separate driveways and noted there is plenty of room for a road. Mrs. Kipp asked if the lots would share one driveway? Ms. Scherer replied, the petitioner’s request is for three separate driveways.

Mr. Kolb moved for approval in accordance with the “Staff Report and Recommendation”. There was no second, and the motion failed.

Ms. Scherer indicated it is the Planning and Zoning Division staff’s understanding that the Town of Eagle prefers to have private roads serving lots such as this rather than public roads. Mrs. Kipp pointed out that the “Staff Report and Recommendation” states the Waukesha County Development Plan designates the property as five-acre density and even though the individual parcels are less than five-acres each, the sixteen parcels created off of the Wilton property on both sides of S.T.H. 67, north and south of Wilton Road result in an overall density of 5.6 acres overall, which complies with the plan. She added, the entire farm could be included to get the density. Mrs. Gennrich said if Mr. Wilton comes in with a Development Plan for the farm it could be accomplished. Mrs. Haukohl said if she were to support this matter it would be under the condition that a detailed conceptual layout be submitted for all of the remainder of undivided Wilton lands to the west of S.T.H. 67 and north of Wilton Road. Mrs. Gennrich and Mrs. Kipp agreed. Mrs. Willert asked how many other lots has the petitioner developed off of this property? Ms. Scherer pointed out on the map the parcels in question. Mrs. Kipp noted, the issue is the parcels behind, because so much of the frontage has been sold off. Mrs. Gennrich said the Land Use Plan indicates five-acre density for the area and there is no reason the petitioner should have four lots on 16-acres. She stated only three lots should be allowed and indicated she did not agree with

the proposed request. Ms. Scherer said there may not be enough frontage for three lots with an easement. Mrs. Gennrich added that there should be a single driveway or road, but not a flag lot. Mrs. Kipp said that this may not be the best land use planning and may not be in the best interest of the Town of Eagle.

There was further discussion regarding the number of lots allowed, the size of the lots not being in conformance with the Land Use Plan and access to the proposed parcels.

Mrs. Gennrich moved, seconded by Mrs. Haukohl and carried by a vote of 5 to 1 (Mr. Kolb voted against) to deny the petitioner's request for four lots not abutting a public road. The Commission requested the Planning and Zoning Division staff correspond with the petitioner and that a Development Plan for the petitioner's land holdings be submitted, and there be a single 66' road access for no more than three (3) lots as required by the density requirements of the Waukesha County Development Plan.

• **(Laird Geibel) Town of Oconomowoc, Section 35**

Ms. Scherer presented the "Staff Memorandum" dated August 19, 2004, and made a part of these Minutes. She pointed out the location of the property on the aerial photograph and stated the petitioner is requesting approval for retaining walls within 5' of lot line.

Ms. Scherer indicated the property is located on Road "B" in the Town of Oconomowoc. She presented photographs to the Commission of the property. Mrs. Gennrich said (referring to Condition No. 7) that she would not be in favor of extending the October 15, 2004, deadline for vegetating the disturbed areas. Ms. Scherer thought the intent of the condition was so the project would be started and completed by October 15, 2004, or else the petitioner would have to wait until next year to start the project. Mrs. Gennrich agreed that the retaining wall was in bad shape and needed to be replaced. Mrs. Haukohl asked if the existing concrete patio was going to be extended? Mr. Hanson, from Hanson's Landscaping (contractor) replied that the patio would not be extended. Mrs. Kipp asked how the proposed retaining wall would affect the neighbor's retaining wall? Mr. Hanson responded, that the neighbor's retaining wall would not be touched except to abut it. Mrs. Kipp said, (referring to the photographs) that it seemed that the wooden fence extended beyond and below the neighbor's retaining wall. Mr. Geibel said there is approximately 5' to 7' between where the wall would be constructed with a deep gully. Mr. Seidel, adjacent property owner, pointed out the lot lines on the photographs and wondered how his retaining wall and Mr. Geibel's would be tied together. Mr. Geibel said the wall in that area would be replaced (at no charge to the neighbor) so the dirt would not blow out. Mr. Seidel indicated that it would be acceptable. Mrs. Willert asked if Mr. Geibel's residence was new? Mr. Geibel answered, "Yes", it was built in 2001. Chairperson Baade asked if Mr. Seidel had any objections to the walls being constructed as presented? Mr. Seidel replied, as long as the contractor knows what he is doing and as long as the walls are tied together with no loose ends, it would be acceptable.

Mrs. Gennrich noted the proposed Planting Plan does not show any plant material high enough to screen the wall. The staff would like a revised Planting Plan, which includes taller vegetation. Mr. Hanson explained the plan he has would screen the wall. Ms. Scherer asked, "How is the first wall, closest to the lake going to be screened?" Mr. Geibel replied, the lannon stone wall would remain and two modular block walls, 4' in height would be constructed. Mr. Geibel asked why the modular block retaining walls need to be screened? Mrs. Gennrich replied, the wall is a structure. Chairperson Baade indicated it is objectionable to see the structure from the lake and it should be screened.

Mr. Hanson said, that in time, most of the plant material would exceed three feet in height. The size of the plants on the Planting Plan is at the time of the planting, not the mature size. Mrs. Gennrich and Mrs. Willert said that the spirea, Miss Kim Lilac, Alpine Currants, Pink Beauty Potentilla and the roses would not grow large enough to hide the wall. Mr. Hanson disagreed. Mrs. Kipp asked, "How long is it anticipated that the plant material would need to grow before the wall would be screened?" Mr. Hanson replied that some of the spireas may stay a little smaller, however, other spireas grow to be approximately 4' to 5' in height.

Ms. Scherer pointed out on the photographs which retaining walls would be removed and retained according to Mr. Geibel. Ms. Finet, Senior Land Use Specialist, said that was not her impression after discussions with the petitioner.

There was a lengthy discussion regarding the discrepancy of which walls were to be removed and retained between the petitioner, the landscaper and Ms. Finet. Ms. Scherer said the issue may have to be revisited. Mrs. Gennrich asked if the "Staff Memorandum" could be re-written? Ms. Finet replied, it may not change anything because the issue is how far the walls can be located from the side lot line. Mr. Kolb clarified that the lower existing lannon stone retaining wall would remain untouched. Mrs. Willert asked, how tall the wall would be? Mr. Hanson answered 7' to 8' in height. Mr. Kolb asked if the Commission is forcing the petitioner to screen the existing wall? Mrs. Gennrich replied, "That is what the staff is recommending." Mr. Hanson said that in discussions with the staff the issue of screening was not expressed. Ms. Finet said it could have been a mistake, but was not her impression. Mrs. Kipp suggested the matter be referred back to the staff since the information contained in the "Staff Memorandum" is not as proposed by the petitioner. Mrs. Haukohl suggested the Planting Plan be revised regarding the vegetation. Mr. Kolb said the proposal by the petitioner was not understood correctly, which would have been the staff's fault. Mrs. Willert, Mrs. Gennrich and Mrs. Kipp disagreed. Mr. Hanson said the submitted plans clearly show the existing drawing and the other two walls behind it and there was no confusion on his part. Mr. Kolb said, the plan is clearly marked "new" and "existing" walls. He expressed concerns that the plan is clear and the petitioner should not have to come back at a different meeting. Mrs. Haukohl asked that the silt fencing issue be addressed. Mr. Seidel said he does not object to his retaining walls being tied into, as long as it is constructed by a contractor. Mrs. Willert asked if Mr. Seidel is giving Mr. Geibel permission to build the wall on his property? Mr. Seidel replied, "Yes", as long as it is done properly. Mr. Hanson suggested the neighbor, Mr. Seidel, submit in writing to the Planning and Zoning Division staff that he would allow the contractor to work on his property. He expressed concerns with the delay of the project and the October 15, 2004, deadline for vegetation. Mrs. Willert noted the plans are dated August 7, 2004, and if the plans were submitted earlier there would have been more time. Mr. Kolb asked if the matter could be approved, subject to abovementioned issues being reconsidered, since the "Staff Memorandum" was wrong? Chairperson Baade replied, there are other issues to be addressed. The rest of the Commission agreed.

After discussion, Mrs. Kipp moved, seconded by Mrs. Haukohl and carried by a vote of 5 to 1 (Mr. Kolb voted against), to refer the matter back to the Planning and Zoning Division staff for clarification of the submitted Landscaping Plan (regarding which retaining walls would be removed and retained), the proposed Planting Plan being revised to include vegetation which will adequately screen the retaining wall, silt fencing being installed and that the neighbor, Mr. Siedel, submit in writing, to the Planning and Zoning Division staff, permission to allow the contractor to build a portion of the wall on his property.

ADJOURNMENT

There being no further business to come before the Commission, Mrs. Kipp moved, seconded by Mrs. Gennrich to adjourn at 2:15 p.m.

Respectfully submitted,

Ellen Gennrich
Secretary

EG:kb